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**UNITED STATES DISTRICT COURT  
FOR THE  
CENTRAL DISTRICT OF CALIFORNIA**

**FEREYDOUN SHORAKA,**  
Plaintiff,  
v.  
**HUNT & HENRIQUES, INC.,**  
Defendant.

**Case No.: 8:22-cv-00876**

## **COMPLAINT FOR DAMAGES FOR VIOLATIONS OF:**

- 1.) FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. §§ 1692 ET SEQ.; AND**
- 2.) ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT CAL CIV §§ 1788, ET SEQ.**

## **DEMAND FOR JURY TRIAL**

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## **COMPLAINT FOR DAMAGES**

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## INTRODUCTION

1. This is a case about a debt collector who tried to collect money from a consumer that they knew or should have known was a victim of identity theft.
2. **FEREYDOUN SHORAKA** (“Plaintiff”), by his attorney, brings this action for actual damages, statutory damages, attorneys fees, and costs, against **HUNT & HENRIQUES, INC.** (“Defendant”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. (“FDCPA”) and the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §§ 1788 et seq. (“RFDCPA”), both of which prohibit debt collectors from engaging in abusive, deceptive and unfair practices.
3. Plaintiff makes these allegations on information and belief, with the exception of those allegations that pertain to the Plaintiff, or to the Plaintiff’s counsel, which Plaintiff alleges on personal knowledge.
4. While many violations are described below with specificity, this Complaint alleges violations of the statutes cited in their entirety.
5. All violations by Defendant were knowing, willful, and intentional, and Defendant did not maintain procedures reasonably adapted to avoid any such violations.
6. Unless otherwise indicated, the use of a Defendant’s name in this Complaint includes all agents, principles, managing agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers of that Defendant named.

## **JURISDICTION AND VENUE**

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the

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1 laws of the United States, and pursuant to 28 U.S.C. § 1367 for pendent state law  
2 claims.

3 8. This action arises out of Defendant's violations of the FDCPA, and the  
4 RFDCPA.

5 9. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because the acts and  
6 transactions occurred here, Plaintiff resides here, and Defendant transacts  
7 business here.

8 **FDCPA AND RFDCPA**

9 10. In enacting the FDCPA, Congress found that:

10 a. There is abundant evidence of the use of abusive, deceptive, and unfair debt  
11 collection practices by many debt collectors. Abusive debt collection  
12 practices contribute to the number of personal bankruptcies, to marital  
13 instability, to the loss of jobs, and to invasions of individual privacy.

14 b. Existing laws and procedures for redressing these injuries are inadequate to  
15 protect consumers.

16 c. Means other than misrepresentation or other abusive debt collection  
17 practices are available for the effective collection of debts.

18 d. Abusive debt collection practices are carried on to a substantial extent in  
19 interstate commerce and through means and instrumentalities of such  
20 commerce. Even where abusive debt collection practices are purely intrastate  
21 in character, they nevertheless directly affect interstate commerce.

22 e. It is the purpose of this title to eliminate abusive debt collection practice by  
23 debt collectors, to insure that those debt collectors who refrain from using  
24 abusive debt collection practices are not competitively disadvantaged, and to  
25 promote consistent State action to protect Consumers against debt collection  
26 abuses. 15 U.S.C. § 1692.

27 11. Similarly, when enacting the RFDCPA, the California Legislature found that:

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1           The banking and credit system and grantors of credit to consumers are  
2           dependent upon the collection of just and owing debts. Unfair or  
3           deceptive collection practices undermine the public confidence which  
4           is essential to the continued functioning of the banking and credit  
§ 1788.1(a)(1).

5           12. The FDCPA and the RFDCPA are both strict liability statutes. That is, a  
6           plaintiff need not prove intent or knowledge on the part of the debt collector to  
7           establish liability. *See Gonzales v. Arrow Fin. Servs., LLC*, 660 F.3d 1055,  
8           1060-61 (9th Cir. 2011); *Donohue v. Quick Collect*, 592 F.3d 1027, 1030 (“[t]he  
9           FDCPA is a strict liability statute that makes debt collectors liable for violations  
10          that are not knowing or intentional”).  
11          13. To further protect consumers, claims under the FDCPA and RFDCPA are to be  
12          judged according to the “least sophisticated debtor” or “least sophisticated  
13          consumer” standard. *Gonzales* at 1061. This standard is lower than the  
14          “reasonable debtor” standard, and is specifically designed to protect consumers  
15          of below average and sophistication or intelligence. *Id.* In addition, a plaintiff  
16          need not even have actually been misled or deceived by the debt collector’s  
17          communication. Rather, liability depends on whether the *hypothetical* least  
18          sophisticated debtor – someone who is uninformed and naïve – would have  
19          likely been misled. *Id.*; *see also Tourgeman v. Collins Financial Servs.*, 755  
20          F.3d 1109, 1119 (9<sup>th</sup> Cir. 2014).  
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## PARTIES

22          14. Plaintiff is a natural person who resides in Orange County, California. Plaintiff  
23          is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3) and “Debtor” as  
24          that term is defined by Cal. Civ. Code § 1788.2(h). Plaintiff is a “senior citizen”  
25          as that term is defined in subdivisions (f) and (g) of Cal. Civ. Code § 1761.  
26          15. Defendant Hunt & Henriques, Inc. is a California debt collection law firm  
27          operating from an address of 7017 Realm Drive, San Jose, CA 95119, and is a  
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1 “Debt Collector” as that term is defined by 15 U.S.C. § 1692a(6) and Cal. Civ.  
2 Code § 1788.2(c) because it regularly uses the mails and/or the telephone to  
3 collect, or attempt to collect, directly or indirectly, defaulted consumer debts that  
4 it did not originate. It operates a nationwide debt collection business and attempts  
5 to collect debts from consumers in virtually every state, including consumers in  
6 the State of California. Its principal, if not sole, business purpose is the collection  
7 of defaulted consumer debts originated by others, and, in fact was acting as a debt  
8 collector as to the delinquent consumer debt it attempted to collect from Plaintiff.

9 16. This case involves money due or owing or alleged to be due or owing from a  
10 natural person by reason of a consumer credit transaction. As such, this action  
11 arises out of a “consumer debt” and “consumer credit” as those terms are  
12 defined by Cal. Civ. Code § 1788.2(f).

13 **FACTUAL ALLEGATIONS**

14 17. Plaintiff is an individual residing in Orange County, California.  
15 18. Plaintiff is informed and believes, and thereon alleges, that at all times relevant,  
16 Defendant conducted and continues to conduct business in the State of  
17 California.  
18 19. Defendant’s business consists solely of the collection of delinquent consumer  
19 debts.  
20 20. Plaintiff is a victim of Identity Theft.  
21 21. In 2021, Plaintiff discovered that he was the apparent victim of Identity Theft and  
22 that someone had used his identity to make unauthorized charges to his Bank of  
23 America credit card in a foreign county that Plaintiff has never been to.  
24 22. When Plaintiff complained to Bank of America, Bank of America told Plaintiff  
25 to go file a Police Report.  
26 23. Plaintiff filed a Police Report under penalty of perjury with the Irvine Police  
27 Department and provided a copy to Bank of America.  
28 24. Nonetheless, Bank of America hired Defendant to collect that debt from Plaintiff.

1 25. On March 10, 2022, Defendant dunned Plaintiff for \$8,304.26.  
2 26. On information and belief, Defendant has dunned Plaintiff additional times during  
3 the 12 months preceding the filing of the instant action.

4 **ACTUAL DAMAGES**

5 27. Plaintiff has suffered actual damages as a result of these illegal collection and  
6 intimidation tactics by this Defendant in the form of invasion of privacy, personal  
7 embarrassment, loss of personal reputation, loss of productive time, nausea, and  
8 feelings of fear, anxiety, hopelessness, anger, persecution, emotional distress,  
9 frustration, upset, humiliation, and embarrassment, amongst other negative  
10 emotions.

11 **CAUSES OF ACTION CLAIMED BY PLAINTIFF**

12 **COUNT I**

13 **VIOLATION OF § 1692E OF THE FDCPA**

14 28. Plaintiff incorporates by reference all of the above paragraphs of this Complaint  
15 as though fully stated herein.  
16 29. A debt collector violates § 1692e of the FDCPA when it uses any false, deceptive,  
17 or misleading representation or means in connection with the collection of any  
18 debt.  
19 30. Defendant violated § 1692e when it, among other qualifying actions and  
20 omissions, willfully misrepresented the character, amount, or legal status of the  
21 alleged debt.

22 **COUNT II**

23 **VIOLATION OF § 1788.17 OF THE RFDCPA**

24 31. Plaintiff incorporates by reference all of the above paragraphs of this Complaint  
25 as though fully stated herein.  
26 32. A defendant violates § 1788.17 of the RFDCPA when it fails to comply with  
27 the provisions of 15 U.S.C. § 1692b to 1692j, inclusive.

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1 33. Defendant violated § 1788.17 of the RFDCPA when it willfully engaged in  
2 conduct, the natural consequence of which was the violation of 15 U.S.C. §  
3 1692e.

## **PRAYER FOR RELIEF**

**5 | WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for:

- a) Award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) (FDCPA) and pursuant to Cal. Civ. Code § 1788.30 (RFDCPA), against Defendant and for Plaintiff, and,
- b) Award of statutory damages in the amount of \$1000.00 pursuant to 15 U.S.C. § 1692k(a)(1) (FDCPA) against Defendant and for Plaintiff, and,
- c) Award of statutory damages in the amount of \$1000.00 pursuant to Cal. Civ. Code § 1788.30 (RFDCPA) against Defendant and for Plaintiff, and,
- d) Award of Treble damages pursuant to Cal. Civ. Code § 3345, and
- e) Award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(1) (FDCPA) and pursuant to Cal. Civ. Code § 1788.30 (RFDCPA), against Defendant and for Plaintiff, and,
- f) Award to Plaintiff of such other and further relief as may be just and proper.

# **TRIAL BY JURY IS DEMANDED.**

34. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted,

## THE CARDOZA LAW CORPORATION

DATED: April 26, 2022

BY: /s/ MICHAEL F. CARDOZA  
MICHAEL F. CARDOZA, ESQ.  
LAUREN B. VEGGIAN, ESQ.  
ATTORNEYS FOR PLAINTIFF  
FEREYDOUN SHORAKA

1                   **ELECTRONICALLY STORED INFORMATION REQUEST**

2                   This notice is to demand that you preserve all documents, tangible things and  
3 electronically stored information (“ESI”) potentially relevant to any issues in the  
4 above-entitled matter. This specifically includes, but is not limited to, all  
5 information pertaining to the above matter, including specifically all recordings of  
6 any telephone communication between your company and Plaintiff.

7                   As used in this request, “you” and “your” or “your client” refers to your  
8 organizations, and its predecessors, successors in interest, assignees, parents,  
9 subsidiaries, divisions or affiliates, and their respective officers, directors,  
10 employees, servants, agents, attorneys, and accountants.

11                  Much of the information subject to disclosure or responsive to discovery is  
12 stored on your client’s current and former computer systems and other media and  
13 devices (such as: personal digital assistants, voice-messaging systems, online  
14 repositories and cell phones).

15                  Electronically stored information (“ESI”) should be afforded the broadest  
16 possible definition and includes (for example and not as an exclusive list)  
17 potentially relevant information whether electronically, magnetically or optically  
18 stored.

19                  This preservation obligation extends beyond ESI in yours or your client’s  
20 care, possession or custody and includes ESI in the custody of others that is subject  
21 to your client’s direction or control. You must notify any current or former agent,  
22 attorney, employee, custodian or contractor in possession of potentially relevant ESI  
23 to preserve such ESI to the full extent of your client’s obligation to do so, and you  
24 must try to secure their compliance.

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